

**THE CLAIMS**

What is claimed is:

1. A writing instrument comprising:
  - a barrel having a channel with an open end; and
  - a writing element disposed in said channel and movable along a longitudinal axis between a retracted position and an extended position;wherein:
  - at least a portion of said writing element is resilient;
  - said writing element is deflected in a direction substantially transverse to the longitudinal axis upon being moved into said extended position; and
  - the resiliency of said writing element biases said writing element to engage said channel and to retain said writing element in said extended position.
2. The writing instrument of claim 1, wherein said writing element is bent such that the resiliency of said writing element biases said writing element to engage said channel.
3. The writing instrument of claim 1, further comprising a first engagement member associated with said writing element, wherein said first engagement member engages said channel.
4. The writing instrument of claim 3, wherein said first engagement member is a pawl.
5. The writing instrument of claim 4, further comprising a second engagement member associated with said channel, wherein said first engagement member engages said second engagement member.
6. The writing instrument of claim 5, wherein said second engagement member is an indentation formed on said channel.
7. The writing instrument of claim 5, wherein said second engagement member is a ledge formed on said channel.

1 8. The writing instrument of claim 1, further comprising a sleeve member disposed in  
2 said channel for receiving a portion of said writing element, wherein said sleeve member  
3 engages said channel to retain said writing element in said extended position.

1 9. The writing instrument of claim 8, further comprising a first engagement member  
2 located on said sleeve member.

1 10. The writing instrument of claim 1, wherein said writing element is a living spring.

1 11. A writing instrument comprising:  
2 a barrel having a channel with an open end; and  
3 a writing element disposed in said channel and movable along a longitudinal axis  
4 between a retracted position and an extended position, and biased toward said retracted  
5 position;  
6 wherein:  
7 said writing element resiliently engages said channel to retain said writing  
8 element in said extended position; and  
9 movement of said writing element in a direction substantially transverse to  
10 the longitudinal axis disengages said writing element from said channel to return said  
11 writing element to said retracted position.

1 12. The writing element of claim 11, wherein movement of said writing element in a  
2 direction substantially transverse to the longitudinal axis is caused by bending said writing  
3 element.

1 13. The writing instrument of claim 11, wherein said writing element is resilient.

1 14. The writing instrument of claim 11, further comprising a release member located on  
2 a side surface of said barrel and movable from a rest position to a release position;  
3 wherein movement of said release member to said release position disengages said  
4 writing element from said channel.

1 15. The writing instrument of claim 14, wherein movement of said release member to  
2 said release position bends said writing element in a direction substantially transverse to the  
3 longitudinal axis.

1 16. The writing instrument of claim 14, further comprising a first engagement member  
2 associated with said writing element, said first engagement member configured and  
3 dimensioned to engage said channel and to retain said writing element in said extended  
4 position.

1 17. The writing instrument of claim 16, wherein a portion of said release member  
2 contacts said first engagement member.

1 18. The writing instrument of claim 16, wherein a portion of said release member  
2 contacts said writing element at a location spaced apart from said release member.

1 19. The writing instrument of claim 14, wherein said release member is a cantilever  
2 beam.

1 20. The writing instrument of claim 14, further comprising a grip element covering at  
2 least a portion of said release member.

1 21. The writing instrument of claim 14, wherein said release member is pivotably  
2 coupled to said barrel.

1 22. The writing instrument of claim 14, further comprising a grip element formed on  
2 said barrel, wherein said release member comprises a portion of said grip element.

1 23. The writing instrument of claim 11, further comprising a sleeve member disposed in  
2 said channel for receiving a portion of said writing element, wherein said sleeve member  
3 resiliently engages said channel to retain said writing element in said extended position.

1 24. The writing instrument of claim 23, further comprising a first engagement member  
2 located on said sleeve member.

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1 25. A writing instrument comprising:  
2 a barrel having a channel and an open end through which a writing element is  
3 extendable along a longitudinal axis; and  
4 an actuator member disposed on a side surface of said barrel and movable between a  
5 first position defining a first length between said actuator member and said open end along  
6 the longitudinal axis, and a second position defining a second length between said actuator  
7 member and said barrel open end along the longitudinal axis, said second length being  
8 shorter than said first length;  
9 wherein said actuator member moves along a non-linear path between said first  
10 position and said second position.

1 26. The writing instrument of claim 25, wherein said actuator member pivots as it  
2 moves between said first position and said second position.

1 27. The writing instrument of claim 25, wherein said actuator member moves along an  
2 arcuate path between said first position and said second position.

1 28. The writing instrument of claim 25, wherein said actuator member is disposed on a  
2 non-planar surface, and slides along said non-planar surface between said first position and  
3 said second position.

1 29. The writing instrument of claim 25, wherein said non-planar surface is concave.

1 30. The writing instrument of claim 25, further comprising a writing element disposed  
2 in said channel and moveable between a retracted position and an extended position;  
3 wherein:  
4 said writing element is in said retracted position when said actuator member is in  
5 said first position; and  
6 said writing element is in said extended position when said actuator member is in  
7 said second position.

1 31. The writing instrument of claim 30, wherein said writing element is pivotably  
2 coupled to said actuator element.

1 32. The writing instrument of claim 25, further comprising a sleeve member disposed in  
2 said channel for receiving a portion of a writing element, wherein said sleeve member is  
3 pivotably coupled to said actuator member.

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